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SIPDIS

E.O. 12958: N/A

TAGS: TBIO AEMED SOCI PGOV JA

SUBJECT: JAPAN REVISES ORGAN TRANSPLANT LAW

REF: Tokyo 002691

¶1. The GOJ amended the National Organ Transplant Law of 1997 for the first time July 13, making in-country organ donations easier. The amended law, which passed the Diet's Upper House by a vote of 138 to 82, recognizes brain dead persons as legally deceased and abolishes the age limit for organ donations. The original law recognized brain death as legal death only in cases of persons who had already declared their intention to donate organs. The original law also prevented children under 15 from donating organs, and thereby had complicated treatment of children with certain conditions and diseases.

¶2. The revised law allows organ donations as long as the deceased person has not explicitly refused donating his/her organs before death and as long as family members agree. The new law gives relatives the authority to consent to donations in cases where the patient's own intentions are unclear. The amended law also gives priority to relatives as recipients of donated organs.

¶3. Since Japan enacted the National Organ Transplant Law in 1997, only 81 organ transplants have been conducted in the country due to the strict requirements. The situation caused many Japanese patients, especially children, to seek transplants abroad. For many years Japanese activists called on the GOJ to ease age limitations to create a means for children to receive organ donations in Japan. Cultural and religious sensitivities and concerns about children's rights delayed the amendments. The revised law will go into effect in one year, and will bring Japan more in line with World Health Organization (WHO) guidelines and the policy of the international Transplantation Society encouraging countries to adopt measures preventing "transplant tourism."

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